

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
July 9, 2013  
7:00 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, and Alex Berger III.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

Absent: Mark Winings and Joanne Boulton.

Mayor Sanger asked for any questions or comments relating to the June 25, 2013 minutes, which were previously provided to the Board.

**Alderman Garnholz moved to approve the June 25, 2013 minutes. Alderman Maddox-Dallas seconded the motion.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

None

### CENTURY HOME PROJECT RECOGNITION

City Manager Owens reported that the Century Home Project is designed to promote pride in and preserve the City of Clayton's heritage and unique aesthetic attributes while reinforcing the positive elements of life in an historical suburban community.

Homeowners and business owners that wish to participate in this special commemorative opportunity will note that their structure should meet the following criteria:

- House, school, religious, commercial, private or public buildings are eligible.
- Main structure must have a verified age of at least 100 years.
- Building must be recognizable as a product of its time.
- Must be approved by CCF History.

Those wishing to participate need only print out the application found on the Clayton Century Foundation's website and submit to the Foundation with a fee of \$200. Once the application has been approved, the homeowner or authorized representative will receive a 6" x 8.25" bronzed plaque.

The Century Home Project was developed by Nicki Herrington with support from the City of Clayton and the Clayton Century Foundation (CCF), the non-profit organization supporting arts, parks, history and sustainability in our community.

Today we are proud to recognize two Century Homes. Steven and Andrea Rosenblum live at 7501 Westmoreland Avenue and were the first to submit an application for the program. Their distinguished home dates to 1904. Moved to its currently location from Downtown Clayton, the home is a faithful representation of the community at the turn of the century.

The second home recognized tonight belongs to Frank and Susan Hackmann at 314 N. Central Avenue. Dating to 1908, the Hackmann home is a treasure harkening to our past. Built just five years before the City of Clayton would be incorporated, we are fortunate that the Hackmann family has preserved this important piece of our shared history.

Mayor Sanger presented Steven and Andrea Rosenblum and Frank and Susan Hackmann with the Century Home plaques.

#### AN ORDINANCE APPROVING EASEMENT AGREEMENTS FOR CERTAIN IMPROVEMENTS TO THE 216 NORTH MERAMEC AVENUE PROPERTY

City Manager Owens reported that this easement is for existing and proposed improvements encroaching into the public right-of-way (ROW) in the 200 block of N. Meramec Avenue. At the January 7, 2013, City Plan Commission/Architectural Review Board Meeting, representatives of the Hampton Inn Development Team requested approval of the design of encroaching improvements at 216 N. Meramec Avenue property. The encroaching improvements include:

- An existing underground parking garage under the hotel extending approximately seventeen feet (17') under the ROW
- A proposed hand rail for the steps leading into the hotel entrance extending approximately one foot (1') into the ROW
- A proposed patio canopy located on the hotel property and extending approximately three feet, nine inches (3'9") into the ROW
- A proposed entrance canopy attached to the hotel and extending approximately six feet, eight inches (6'8") into the ROW
- A proposed Flagpoles and flags attached to the hotel and extending approximately five feet to ten feet (5' to 10') into the ROW
- Proposed cornices or overhangs attached to the hotel and extending approximately one foot (1') into the ROW

The City Plan Commission/Architectural Review Board approved the request contingent upon the applicant providing underground easements for the existing underground garage structure and proposed private facilities located in the right-of-way to the Public Works Department for approval prior to the issuance of the building permit

Both Public Works and the City Attorney have reviewed and approved the easement titled Exhibit A being considered tonight.

Recommendation is to approve the ordinance for the easement.

**Alderman Harris introduced Bill No. 6401, an ordinance to approve an easement agreement with RBP Clayton LLC for 216 N. Meramec Avenue to be read for the first time by title only. Alderman Maddox-Dallas seconded.**

In response to Mayor Sanger's question, Mr. Mark Murray, representing the developer, addressed the Board stating that all of the improvements that extend over Meramec Avenue will be maintained at least 12 feet above the grade of the sidewalk and/or street pavement.

In response to Mayor Sanger's question regarding termination of the handrail, City Attorney O'Keefe stated that any encroachments would be abandoned upon removal referencing page 6, No. 8 of the agreement, *"notice of its intent to restore, repair or replace, Grantee shall complete such restoration, repair or replacement within one (1) year..."*

Mr. Murray also noted *"Grantee fails to complete such restoration, repair or replacement within the time period required, and then the Easement herein granted shall terminate at the end of such time period as to the Encroaching Improvement not so restored, repaired or replaced."*

**City Attorney O'Keefe reads Bill No. 6401, an ordinance approving easement agreements for certain improvements to the 216 N. Meramec Avenue property for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6401, an ordinance to approve an easement agreement with RBP Clayton LLC for 216 N. Meramec Avenue to be read for the second time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney O'Keefe reads Bill No. 6401 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6279 of the City of Clayton.**

#### **AN ORDINANCE TO CONSIDER ADOPTING A POLICY AGAINST SWEATSHOP PRACTICES**

City Manager Owens reported that this is an ordinance related to a policy against sweatshop practices when the City does business with companies that provide clothing, uniform, apparel and textiles. This issue was previously discussed at a discussion session and drafted an ordinance that is a strong statement to those who do business with the City. Recommendation is for approval of the ordinance.

**Alderman Harris introduced Bill No. 6402, an ordinance to approve a policy against sweatshops to be read for the first time by title only. Alderman Maddox-Dallas seconded.**

In response to Mayor Sanger's question, City Manager Owens stated that the responsibility will be placed entirely on the vendors and no additional cost to the City. The City has the right to verify, but there is no requirement.

**City Attorney O'Keefe reads Bill No. 6402, an Ordinance Adopting A Policy Against Sweatshop Practices for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6402, an ordinance to approve a policy against sweatshop to be read for the second time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney O'Keefe reads Bill No. 6402 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6280 of the City of Clayton.**

#### A MOTION TO APPOINT PETER J. KRANE AS THE MUNICIPAL JUDGE

City Manager Owens reported that per the City Charter, the Municipal Court is presided over by a Municipal Judge appointed by the Board of Aldermen for a term of two years. A Request for Qualifications was published on May 13, and May 20, 2013 in the *Missouri Lawyers' Media* publication. The City received nine responsive applications. A confidential panel of three individuals (all former or current municipal judges and attorneys) thoroughly reviewed the applications and submitted their recommendations. Mayor Sanger and Alderman Garnholz conducted individual interviews and unanimously selected Peter J. Krane to be conserved as the Municipal Judge.

Mr. Krane is a resident of Clayton; he is listed as an active member of good standing with the Missouri Bar and has passed a police background check. He has previously served as an Assistant Prosecuting Attorney for the St. Louis County Prosecuting Attorney's Office and has had a number of years of experience as litigation counsel and senior associate with several law firms.

The term of appointment would run through June 30, 2015. This position receives \$300 per court night.

Recommendation is to consider the appointment of Peter J. Krane as Municipal Judge.

Alderman Harris commented that it was great to receive nine applications and that the City has so many talented and experienced people.

Alderman Garnholz commented that Mr. Krane was the stand-out candidate.

**Alderman Harris moved to approve the appointment of Peter Krane as the City's Municipal Judge. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

City Clerk June Waters performed the Sweating-In Ceremony where Peter J. Krane accepted the Oath of Office.

Mayor Sanger thanked Kim Whittle for five years of great service as judge and that they appreciate her dedication of service. He stated that he received a very nice letter from Ms. Whittle today. Alderman Garnholz seconded his comments.

#### A MOTION TO APPOINT PROVISIONAL MUNICIPAL JUDGES

City Manager Owens reported that as a follow-up to the appointment of a municipal judge and to be consistent with the two-year terms it is recommended to also appoint the provisional municipal judges. A provisional judge substitutes at Municipal Court when the Municipal Judge is absent. The following individuals have been nominated for reappointment: Ward 2 – Nancy Watkins, 7419 York Ward 3 – Dan Raniere, 60 Brighton Way. Recommendation is to consider the appointments.

**Alderman Harris moved to approve the reappointment of Nancy Watkins and Dan Raniere as the City's Provisional Municipal Judges. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

Mayor Sanger stated that he felt that the selection of the municipal judge went through a very good process. He noted that Ward 1 will have a recommendation for appoint at a later meeting.

#### Other

Alderman Harris complimented the Fire Department for going to Arizona to help the families of the fallen firefighters after the recent tragedy.

Alderman Harris reported on behalf of the Clayton Century Foundation (CCF) an update on the *Trova* sculptures that were donated to the City. It was decided that one sculpture will be located in the Shaw Park-Monetta Garden and hopes was for the other sculpture (*Poets*) to be placed in front of the St. Louis County Library, but unfortunately the library location did not work out. The CCF-Art has recently been evaluating the Taylor Park site as a potential location for the *Poets* sculpture. CCF has learned that the Old Town Association is very interested and that Cheryl Verde did a lot of research and discovered that there had been an academy for boys located at the site several years ago and is very excited about the potential of the *Poets* sculpture being placed there where the school had been. She said that CCF-Arts would still need to decide if they want to place the sculpture in that location and if so, then the Parks & Recreation Commission would be contacted and eventually if everyone likes the idea it would then come before the Board. She wanted to give a "heads-up" to the Board so that no one is surprised. She will send a picture of the sculpture to Mayor Sanger.

Alderman Garnholz also thanked the Fire Department for their service to helping the Arizona firefighter families.

Alderman Berger reported that Davis Place is experiencing free-range chickens in a way that they do not want to experience – chickens are roaming and it is not a good mix with dogs. He is hopeful that, like the City of Frontenac, they could look at the domestic fowl ordinance with the intention of being much more specific about materials used in chicken coops and that they address the issue of setbacks as it is done with any building that is constructed on anyone else's' property within the City of Clayton. He said that the City will run into some problems if we continue to be at status quo.

Alderman Berger commented that the cross-walks in the downtown area (Ward 3) are nowhere near what was the objective or intent and they have become an eyesore and a safety hazard because of their lack of continuity and the issues that come from the breakage of the surface. He is hoping that this issue could be looked at as a significant capital challenge for the downtown area and other parts of the City.

Alderman Berger reported that Senator Hatch of Utah will be initiating legislation that may provide an avenue for municipalities in states to remove themselves from the pension business. He said that it is a challenge for the City to do more than maintain the status quo in the employee pension plans when the rest of the Country is looking at changes. He thinks that we will see in this year's budget a significant change in funding level for the pension plan over the course of the last several years. He said that this is a policy decision and he urges the City to have a conversation around the policy of the employee budgets.

**Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Garnholz seconded the motion.**

**Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.**

There being no further regular business the meeting was adjourned at 7:25 p.m.

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Mayor

ATTEST:

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City Clerk